



June 9, 1999

Mr. John R. Speed, P.E.
Executive Director
Texas Board of Professional Engineers
P.O. Drawer 18329
Austin, Texas 78760-8329

OR99-1606

Dear Mr. Speed:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124789.

The Board of Professional Engineers (the "board") received a request for access to all documents in the requestor's file. You state that the board has released many of the responsive records, but you assert that the submitted records are confidential pursuant to article 3271a of Vernon's Texas Civil Statutes (the "Texas Engineering Practice Act"). Section 26 of the Texas Engineering Practice Act provides:

A statement made by a person providing a reference for an applicant and other pertinent information compiled by or submitted to the Board relating to an applicant for licensure under this Act is privileged and confidential and may be used only by the Board or employees or agents of the Board who are directly involved in the application or licensure process. The information is not subject to discovery, subpoena, or other disclosure.

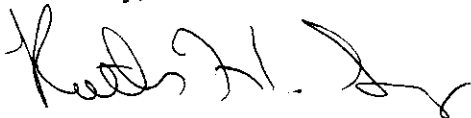
You submitted to this office several documents that you contend are confidential under section 26. You also state that "the majority of the documents submitted with this request" were the subject of a prior ruling from this office, Open Records Letter No. 97-0518 (1997). In that ruling, we agreed that documents then at issue were made confidential by section 26 of the Texas Engineering Practice Act. Open Records Letter No. 97-0518 at 2 (1997).

We note that you have not marked the documents which were the subject of that prior decision. However, all of the documents submitted to this office appear to have been

compiled by or submitted to the board relating to an applicant for registration. Thus, section 26 protects the submitted information from disclosure.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 124789

Encl. Submitted documents, Open Records Letter No. 97-0518 (1997)

cc: Mr. Franco Davati
15455 Point NW Boulevard, #1002
Houston, Texas 77095
(w/o enclosures; w/Open Records Letter No. 97-0518 (1997))

¹We do not address in this ruling your other arguments against disclosure or the discussion concerning your records retention schedule and retention of information.